

REMARKS

Claims 1-4, 6-18, 20-26 and 28-31 are currently pending in the subject application and are presently under consideration. Claims 1, 20, 25 and 26 have been amended as shown at pages 2 to 9 of the Reply. Applicants' representative thanks the Examiner for the courtesies extended during the telephonic interview conducted on June 14, 2007, where it was indicated that claim 1 as amended may overcome the rejection under 35 U.S.C. §103(a). Additionally, the two part installation aspect of claims 13 and 31 was discussed, and the Examiner indicated that further consideration was required to determine if the claims are allowable over the cited prior art.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 6-13, 16, 18, 20-22, 25, 26 and 28 Under 35 U.S.C. §103(a)

Claims 1, 6-13, 16, 18, 20-22, 25, 26 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis (US 6,442,754), in view of Kawamata *et al.* (US 6,820,259), in view of Noble *et al.* (US 5,845,128) and in view of Kruger *et al.* (US 6,367,075). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Curtis, Kawamata *et al.*, Noble *et al.* and Kruger *et al.*, taken alone or in combination, fail to disclose, teach or suggest each and every element as recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. ***Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.*** See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants' claimed subject matter relates to a facilitating installation and/or removal of components that include at least one shared component; in particular, a valid installation order can be specified for the components such that shared components are installed subsequent to non-shared components. This can ensure that the shared components, which can depend from the non-shared components, are not installed without the presence of the non-shared component on which the shared components depend. To this end, claim 1 recites *a validation engine that provides a valid order, the order referentially consistent relative to each of the components, and an installer that controls at least one of an install and removal operation of the components based on the valid order, the installer manipulates at least one property associated with the at least one shared component to reflect dependency for the at least one shared component relative to one or more other components that depend on the shared component according to the installation or removal thereof, the at least one shared component automatically subsumes one or more installation properties associated with previously installed shared components, the at least one property further comprises a reference count having a value indicative of a number of dependent components associated with the at least one shared component.* Claims 25 and 26 recite similar aspects. Curtis, Kawamata *et al.*, Noble *et al.* and Kruger *et al.*, alone or in combination, fail to teach or suggest such aspects.

Curtis relates to a system for checking dependencies of installed software components during installation and uninstallation, but fails to teach or suggest *at least one shared component automatically subsumes one or more installation properties associated with previously installed shared components.* The Examiner acknowledges this on page 7 of the Final Office Action dated May 17, 2007, and offers Noble *et al.* to cure this deficiency; however, Noble *et al.* fails to rectify this short-coming with respect to the claims as amended.

Noble relates to a software release system that installs new versions of software releases. The system includes a customization copier and a ship list file. The ship list file includes a set of files contained in a new software release. A copier detects customizations to an old release of the files and automatically applies the customizations to the new software release; however, Noble *et al.* fails to teach or suggest *at least one shared component automatically subsumes one or more installation properties associated with previously installed shared components.*

Conversely, Noble *et al.* contemplates applying customizations; thus, the properties transferred to the new software release are related to executing and utilizing the application. The

Applicants' claims, on the other hand, recite subsuming *installation* properties; thus the properties relate to the installation of the component, such as a dependency or reference count (as further recited), for example. The property of claim 1 concerns a component's installation dependency on another component, and thus, properties dealing with customizations, such as in Noble *et al.* are not within this realm. Therefore, Noble *et al.* fails to teach or suggest this aspect.

Furthermore, Kawamata *et al.* relates to a system including an update sequence management unit which searches data or a program of a terminal apparatus to be updated, determines an update sequence of the searched program and updates the program. Additionally, Kruger *et al.* relates to system that builds a set of uninstall instructions from a set of install instructions. Neither of these references teach or suggest ***at least one shared component automatically subsumes one or more installation properties associated with previously installed shared components*** as recited in amended claim 1 (and similarly in amended claims 25 and 26).

In view of the foregoing, it is readily apparent that Curtis, Noble *et al.*, Kawamata *et al.* and Kruger *et al.*, alone or in combination, fail to teach or suggest all aspects recited in claims 1, 25 and 26. Therefore, rejection of independent claims 1, 25 and 26, as well as claims 2-4, 6-12 and 28, which depend therefrom, should be withdrawn.

In reference to independent claims 13, the Examiner asserts, in the Final Office Action, that Curtis discloses a setup manager that causes the components to be installed according to the valid installation order and ***a separate installation of the at least one shared component being implemented for each dependent component that depends on the at least one shared component***. However, Curtis does not disclose, teach or suggest such claimed aspects.

As mentioned, Curtis relates to a system for checking dependencies of installed software components during installation and uninstallation. During program processing, the dependent objects are installed before independent objects are installed. The system can also determine an operating system command that is capable of determining whether the dependent components indicated in the dependency object are installed in the computer to protect against errors during installation. However, Curtis does not teach or suggest ***a separate installation of the at least one shared component being implemented for each dependent component that depends on the at least one shared component***.

On the contrary, Curtis discloses a valid order in which dependent components must be installed before depending programs are installed. (*See* col. 12, lines 32-33). However, Curtis does not disclose, teach or suggest both a first installation relating to the installation in a valid order and a second installation - a separate shared installation - as recited in claim 13. Noble *et al.*, Kawamata *et al.*, and Kruger *et al.*, also fail to cure this deficiency.

In view of the foregoing, it is readily apparent that Curtis, Kawamata *et al.*, Noble *et al.* and Kruger *et al.*, take alone or in combination, fail to disclose or suggest all aspects recited in independent claim 13. Withdrawal of this rejection, as well as that of dependent claims 16, 18 and 20-22, is therefore respectfully requested.

II. Rejection of Claims 2-4, 14, 15, 17, 29 and 30 Under 35 U.S.C. §103(a)

Claims 2-4, 14, 15, 17, 29 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis, in view of Kawamata *et al.*, in view of Noble *et al.*, in view of Kruger *et al.* and further in view of Taylor (US 5,721,824). Withdrawal of this rejection is requested for at least the following reasons. Curtis, Kawamata *et al.*, Noble *et al.*, Kruger *et al.* and Taylor, when taken alone or in combination, fail to teach or suggest all elements recited in the subject claims. In particular, Taylor does not cure the aforementioned deficiencies of Curtis, Kawamata *et al.*, Noble *et al.* and Kruger *et al.* with respect to independent claims 1, 13, and 28 (from which the subject claims respectively depend). Withdrawal of this rejection is therefore respectfully requested.

III. Rejection of Claims 23 and 24 Under 35 U.S.C. §103(a)

Claims 23 and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis, in view of Kawamata *et al.*, in view of Taylor, in view of Kruger *et al.* (6,367,075) and in view of Noble *et al.* This rejection should be withdrawn for at least the following reasons. Curtis, Kawamata *et al.*, Taylor, Kruger *et al.* and Noble *et al.*, taken alone or in combination, fail to disclose or suggest each and every element as recited in the subject claims.

In reference to claims 23 and 24, the Examiner concedes, in the Final Office Action, that Curtis fails to disclose *a setup engine that initiates installation of each of the components according to the valid order during a first part of installation, the shared component being installed for a first dependent component during the first part of installation, and the shared*

component being installed for each other dependent component during a second part of the installation separate from the first part as recited in the subject claims. The Examiner offers Taylor to cure this deficiency; however Taylor fails in this regard.

In the cited portions (col. 2, lines 7-11, 12-26 and 53-62), Taylor describes a first installation in addition to a second installation consisting of missing dependent components. The second installation begins by reading a dependency list and making note of dependent packages that have not been installed. Only the packages that have not been installed during the first installation are installed in the second installation. However, Taylor fails to disclose the shared component for the first dependent component is installed in the first part of the installation as recited in the subject claims. Taylor also fails to disclose a second installation in which the shared components are installed for each of the other dependent components. Moreover, one skilled in the art would not arrive at the proposed combination unless guided by a hindsight reading of the subject disclosure.

In view of the foregoing, it is readily apparent that Curtis, Kawamata *et al.*, Taylor, Kruger *et al.* and Noble *et al.*, taken alone or in combination, fail to disclose or suggest all aspects recited in independent claims 23 and 24. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claim 31 Under 35 U.S.C. §103(a)

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis, in view of Kawamata *et al.*, in view of Taylor and in view of Noble *et al.* This rejection should be withdrawn for at least the following reasons. Curtis, Kawamata *et al.*, Taylor and Noble *et al.*, taken alone or in combination, fail to disclose or suggest each and every element as recited in the subject claims.

As mentioned, applicants' claimed subject matter relates facilitating installation and/or removal of components that include at least one shared component. To this end, claim 31 recites *effecting installation of the shared component for each other dependent component during a second part of the installation separate from the first part*. Thus, a second part of the installation is separate from the first part of installation. The combination of the Curtis, Kawamata *et al.*, Taylor and Noble *et al.* has been shown insufficient with respect to similar subject matter recited in claim 13. Thus, it is readily apparent that the proposed references, when taken alone or in

combination, fail to disclose or suggest all elements recited in claim 31. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP195US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution; the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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